IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

MACA.No. 1746 of 2007

OPMV.2511/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM
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APPELLANT: 3RD RESPONDENT

THE ORIENTAL INSURANCE COMPANY LIMITED
NOW REPRESENTED BY ITS MANAGER,
REGIONAL OFFICE, METRO PALACE, KOCHI-18.

BY ADV. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

RESPONDENTS: PETITIONER

P.K.MANOJ, S/O.KUNJAPPAN, PUTHENTHARA
HOUSE, KUMBALAM P.O.
KUMBALAM.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.A.C.A.No.1746 OF 2007

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Dated this the 24th day of September, 2007

JUDGMENT

Radhakrishnan, J

This appeal is filed by the Insurance company against the award in O.P.(MV)2511/99. The accident was occurred on 30.6.1999 while petitioner was walking along the eastern side of Aroor-Vyttila Byepass road, a lorry owned, driven and insured with respondents 1, 2 and 3 respectively came from in opposite direction in a rash and negligent manner knocked down him from behind. Petitioner who was 32 years at the time of accident fell down and sustained serious injuries. He was working as a coolie earning a monthly income of Rs.4,000/-. Petitioner claimed Rs.2,50,000/- as compensation. Tribunal after considering the entire aspects of the case awarded a sum of Rs.1,62,000/- as compensation.

2. Counsel appearing for the insurance company submitted that Ext.A12 disability certificate issued by the Medical Board shows 40% disability to the left lower limb.

But the Tribunal has taken 40% disability for the whole body and calculated the disability compensation at Rs.1,53,000/-.

Considering the injuries sustained by the petitioner and he was hospitalised for several days and thereafter referred to Medical College, Kottayam where he had undergone treatment, we are of the view that the amount awarded by the Tribunal is just and proper. This appeal is dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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